

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

|                                   |   |                    |
|-----------------------------------|---|--------------------|
| YONG JUAN ZHAO, individually and  | ) |                    |
| as Parent and Natural Guardian of | ) |                    |
| STEVEN ZHAO, a minor,             | ) |                    |
|                                   | ) |                    |
| Plaintiff,                        | ) |                    |
|                                   | ) |                    |
| v.                                | ) | Case No. 17-cv-454 |
|                                   | ) |                    |
| THE UNITED STATES OF AMERICA,     | ) |                    |
|                                   | ) |                    |
| Defendant.                        | ) |                    |

**COMPLAINT**

**JURISDICTION**

Jurisdiction lies pursuant to the Federal Tort Claims Act, Title 28 U.S.C. § 2674. The administrative exhaustion requirement of the Federal Tort Claims Act has been satisfied as, on January 12, 2017, the Department of Health and Human Services denied Plaintiff's timely-filed administrative tort claim.

**COUNT I**

(Yong Juan Zhao v. United States of America)

Comes now Plaintiff, YONG JUAN ZHAO, by and through her attorney, **Thomas Q. Keefe, Jr., KEEFE, KEEFE & UNSELL, P.C.**, and for Count I of her Complaint against the defendant UNITED STATES OF AMERICA, states:

1. That Christopher Rural Health Planning Corporation was at all times herein mentioned an agency of Defendant.

2. That at all times herein mentioned, Dr. Paul Cruz was a medical doctor specializing in obstetrics and gynecology and was an agent, apparent agent, servant, and/or employee of Defendant.

3. That Plaintiff Yong Juan Zhao gave birth to Steven Zhao on June 15, 2014.

4. That during Yong Juan Zhao's pregnancy, and during her labor and delivery of Steven Zhao, Defendant, by and through its agents, apparent agents, servants, and/or employees, assumed Plaintiff's care.

5. That Defendant, individually and by and through its agents, apparent agents, servants, and employees was guilty of one or more of the following negligent acts or omissions:

- a) Negligently and carelessly failed to properly manage and monitor Yong Juan Zhao's pregnancy;
- b) Negligently and carelessly failed to diagnose fetal macrosomia;
- c) Negligently and carelessly failed to appropriately chart the risk of fetal macrosomia;
- d) Negligently and carelessly failed to assess, manage, or address the risk of fetal macrosomia;
- e) Negligently and carelessly failed to order appropriate ultrasound scans to monitor the pregnancy;
- f) Negligently and carelessly failed to take an appropriate patient history;
- g) Negligently and carelessly failed to appropriately chart pre-natal care;

- h) Negligently and carelessly failed to appropriately treat, manage, or address cervical prolapse;
- i) Negligently and carelessly failed to appropriately address a prolonged second stage of labor;
- j) Negligently and carelessly attempted vacuum extraction;
- k) Negligently and carelessly failed to appropriately manage a macrosomic labor and birth;
- l) Negligently and carelessly failed to appropriately chart, assess, manage, or address shoulder dystocia.

6. That as a direct and proximate result of the negligence of Defendant as aforesaid, Plaintiff Yong Juan Zhao suffered vaginal, cervical, and perineal trauma and pelvic organ dysfunction and has suffered permanent pain, mental anguish, disability and disfigurement, loss of enjoyment of a normal life, has been prevented from attending to her usual affairs and duties, and has incurred large sums of money in hospital, medical and related expenses, and will incur additional sums in the future, all to her damage in a substantial amount.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount greater than SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), plus costs.

**COUNT II**

(Steven Zhao, a minor, by and through his parent and natural guardian Yong Juan Zhao v. United States of America)

COMES NOW Plaintiff, YONG JUAN ZHAO, as Parent and Natural Guardian of STEVEN ZHAO, by and through her attorney, Thomas Q. Keefe, Jr., KEEFE, KEEFE, & UNSELL, P.C., and for Count II of her Complaint against the defendant UNITED STATES OF AMERICA, states:

1. That Christopher Rural Health Planning Corporation was at all times herein mentioned an agency of Defendant.

2. That at all times herein mentioned, Dr. Paul Cruz was a medical doctor specializing in obstetrics and gynecology and was an agent, apparent agent, servant, and/or employee of Defendant.

3. That Plaintiff Yong Juan Zhao gave birth to Steven Zhao on June 15, 2014.

4. That during Yong Juan Zhao's pregnancy, and during her labor and delivery of Steven Zhao, Defendant, by and through its agents, apparent agents, servants, and/or employees, assumed Plaintiff's care.

5. That Defendant, individually and by and through its agents, apparent agents, servants, and employees was guilty of one or more of the following negligent acts or omissions:

- a) Negligently and carelessly failed to properly manage and monitor Yong Juan Zhao's pregnancy;
- b) Negligently and carelessly failed to diagnose fetal macrosomia;

- c) Negligently and carelessly failed to appropriately chart the risk of fetal macrosomia;
- d) Negligently and carelessly failed to assess, manage, or address the risk of fetal macrosomia;
- e) Negligently and carelessly failed to order appropriate ultrasound scans to monitor the pregnancy;
- f) Negligently and carelessly failed to take an appropriate patient history;
- g) Negligently and carelessly failed to appropriately chart pre-natal care;
- h) Negligently and carelessly failed to appropriately treat, manage, or address cervical prolapse;
- i) Negligently and carelessly failed to appropriately address a prolonged second stage of labor;
- j) Negligently and carelessly attempted vacuum extraction;
- k) Negligently and carelessly failed to appropriately manage a macrosomic labor and birth;
- l) Negligently and carelessly failed to appropriately chart, assess, manage, or address shoulder dystocia.

6. That as a direct and proximate result of the negligence of Defendant as aforesaid, Steven Zhao is severely injured. He has suffered and will suffer permanent pain, mental anguish, disability and disfigurement, and loss of a normal life. He has incurred and become liable for large sums of money in hospital, medical, and related expenses, and will become

liable for additional sums in the future, as well as lost wages in the future, all to his damage in a substantial amount.

WHEREFORE, Plaintiff demands judgment against Defendant in an amount greater than SEVENTY-FIVE THOUSAND DOLLARS (\$75,000.00), plus costs.

/s/Thomas Q. Keefe, Jr.  
THOMAS Q. KEEFE, JR.  
IL REG NO. 03123418  
Attorney for Plaintiff

**KEEFE, KEEFE & UNSELL, P.C.**  
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618/236-2194 (Facsimile)

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| THE UNITED STATES OF AMERICA,     | ) |                    |
|                                   | ) |                    |
| Defendant.                        | ) |                    |

**CERTIFICATE OF SERVICE**

I hereby certify that on May 1, 2017, I electronically  
filed **COMPLAINT** with the Clerk of Court using the CM/ECF system.

/s/Thomas Q. Keefe, Jr.  
THOMAS Q. KEEFE, JR.  
IL REG NO. 03123418  
Attorney for Plaintiff

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